

**REMARKS**

Continued Examination and Allowance of this Application is respectfully requested. Reconsideration of this application as amended and in view of the following remarks is also respectfully requested.

Claims 1 - 69 are currently in this application. Claims 1- 69 have all been amended in response to this First Office Action in this prosecution as well as by the Amendment filed with the Applicant's Request for Continued Examination.

Claims 1 - 3, 13, 15, 17 - 66 were previously amended by deleting the term "comprising" and replacing it with the limiting term "consisting essentially of" to further clarify the novelty of this invention and meet the objections of the Examiner and as discussed below demonstrate that this invention is neither anticipated or rendered obvious by any of the references cited in the first office action. Examiner Chorbaji indicated that the use of the word "comprising" in the claims did not sufficiently limit the claims to the compositions set forth in the claims and therefor the cited references rendered the claims non-allowable. The Applicant's substitution of the term "consisting essentially of" instead of comprising was made and submitted as an amendment to the application and Examiner Chorbaji undertook an additional search.

Examiner Chorbaji in the September 12, 2004, Final Office Action prior to filing the Request for Continued Examination indicated that the applicant's use of the phrase "or chemical equivalent thereof" was not taught in the original disclosure and as such Claims 1-3, 13, 15, 17-20 and 31-32 were rejected under 35 U.S.C. §112. Consequently Claims 1-3, 13, 15, 17-20 and 31-32 have all been currently amended herein by deleting the term "or chemical equivalent thereof." In the Final Office Action the Examiner also held that the scope of the claims (Claims 1-60) of the instant application were rendered obvious by U.S. Patent No. 6,596,401 (Terry, et al.). In response the Applicant made request for continued examination pursuant to 37 CFR 1.114 and now requests that the Application be further amended in the Claims as aforementioned.

## DISCUSSION

This communication is a response to the First Office Action in response to the Applicant's January 25, 2005, submission made pursuant to a request for continued examination pursuant to 37 CFR 1.114 for Bradley J. Eldred U.S. Patent Application No. 10/679,660.

### Claim rejections.

The Applicant herein incorporates by reference as if fully set forth herein the remarks, arguments and discussion of all prior filed responses made pursuant to this application and hereby reserves and asserts those remarks, arguments and discussion as applicable to this amendment filed herewith and respectfully requests that the file wrapper so reflect.

Given that the Examiner has determined that Claims 67-69 are allowable subject matter because the "prior art does not teach nor provide a motivation for the recited concentration ranges" of the elements of the composition comprising the invention, the Applicant has amended all six (6) independent claims in this application such that the narrow concentrations for potable water disclosed in the specification are now limitations present in all claims. Given that the Examiner has stated that this is allowable subject matter, the Applicant asserts that by limiting the metals to 0.75 mg/ml and the plant extract to 110 mg/ml and the alcohol to 220 mg/ml the subject matter of the claims are not anticipated nor taught by the prior art and as such are all allowable claims.

In response to the Examiner's rejection of the Applicant's claims drawn to the category of plant extracts known as angiosperms for lack of an antecedent basis the Applicant has amended those claims to delete the angiosperm reference and replace it with citrus fruits, a term for which there is an antecedent basis.

With the foregoing amendments and discussion, as amended, all claims in this patent application are now allowable. The Applicant has amended the Application in response to the Examiner's written and oral objections and statements made respecting novelty.

There is no fee required for this submission.

On the basis of the above submission amendment of the application is believed to be warranted and allowance of the application as amended is believed to also be warranted.

**Respectfully submitted,**



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